

**MINUTES FOR A SPECIAL MEETING OF THE CIVIL SERVICE COMMISSION  
HELD AT 6:00 P.M., THURSDAY EVENING, AUGUST 26, 2004  
CITY COUNCIL CHAMBERS, #2 CIVIC CENTER PLAZA - 2nd FLOOR**

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**MEMBERS PRESENT:** Berube, Paul  
Ellis, William  
Graham, Elijah  
Harris, Alvin  
Martinez, Ramy  
Peña, Andrew  
Ruck, Lance – Chair  
Schwartz, Elma

**MEMBERS ABSENT:** Sutherland, Ken

**ALSO PRESENT:** Aldana, David  
Arballi, Bill – AFSCME Local 59  
Bond, Terry - C.S.C. Secretary  
Buenning, Rosy - C.S.C. Recorder  
Campa, Campa  
Cervantes, J.J.  
Chavez, Jr., Pedro  
Chavez, Lupe  
Chavez, Luz  
Chavez, Richard  
Cole, Daryl – Street Dept.  
Cuellar, Lupe – Deputy City Attorney  
De La O, Jose  
Fargo, Peter – Human Resources  
Grimm, Amy  
Harbour, Cori  
Ibarra, Ben  
Juarez, Gilbert  
Ledesma, Norma  
Lopez, Ricardo  
Mackell, Jeff  
Menendez, Lois  
Monreal, Manny  
Montelongo, Alejandro  
Mott, Paul  
Mueller, Paul - Human Resources  
Olivas, Martin  
Parsons, Alan G.  
Peña, Armando - Human Resources  
Prieto, Rosa I.  
Rodriguez, Ben  
Rosales, Hector  
Sanchez, Ana - Human Resources  
Schafer, Cam  
Sherman, Carol  
Sifuentes, Manny  
Thomas, Linda – Human Resources  
Tobias, Victor  
Turner, Lisa  
Van Beek, Diana  
Vasquez, Bertha B.  
Venegas, Ed  
Zeh, Francisco

The meeting convened at 6:03 p.m. with a quorum of 8 Commissioners present and Chair Ruck presiding.

**CONSENT AGENDA**

Ms. Bond requested that Items 2E and 11VVVVVVVV (David Fernandez) be deleted. She made a correction to Item 11JJJJJJJJJJ (Doug Barnes), the Department should read Parks & Recreation instead of Zoo, and to the language reference retiring into Executive Session on Page 6, the Item should read Item 19 instead of Item 18.

Commissioner Ellis requested Items 2A, 2C, 2D and 6 be moved to the Regular Agenda.

MOTION TO APPROVE THE CONSENT AGENDA WITH THE MODIFICATIONS MADE BY COMMISSIONER HARRIS, SECONDED BY COMMISSIONER PEÑA AND UNANIMOUSLY PASSED.

*Items 2A, 2C, 2D and 6 were considered at the beginning of the Regular Agenda.*

1. Discussion and Action on Approval of Minutes:

August 12, 2004

2. Discussion and Action on Approval of Contracts:

- A. Personal Services Contracts with Nicolas Muñoz to perform the duties of Assistant Preparator from September 1, 2004 through August 31, 2005 for the El Paso Museum of Art.

Commissioner Ellis asked if this was a grant position and a permanent position.

Amy Grimm, El Paso Museum of Art, said this was an unclassified position presently under contract that is funded through funds raised by the museum.

Commissioner Ellis asked if this could be classified and create an eligible list.

Ms. Bond said that the reason it hasn't been done is because of the tenuous funding source.

Commissioner Ellis suggested that in the future years they place this position under the classified service.

MOTION TO APPROVE ITEM 2A MADE BY COMMISSIONER ELLIS, SECONDED BY COMMISSIONER BERUBE AND UNANIMOUSLY PASSED.

- B. Personal Services Contract with Rosa Isela Morales to perform the duties of Staff Assistant from August 29, 2004 through June 14, 2005, for the Mayor's Office.
- C. Personal Services Contract with Gerardo Velasquez to perform the duties of Project Review Coordinator from September 20, 2004 through September 19, 2005, for Parks & Recreation.

Commissioner Ellis asked for this item to be tabled until someone from the department was available to answer questions.

MOTION TO TABLE ITEMS 2C AND 2D MADE BY COMMISSIONER ELLIS, SECONDED BY COMMISSIONER MARTINEZ AND UNANIMOUSLY PASSED.

D. Seven (7) Employment Services Contracts for Parks & Recreation:

1. Banuelos, Liliana – Instructor Aide
2. Fisher, Belinda – Instructor Aide
3. Gonzalez, Alma – Instructor Aide
4. Losoya, Ofelia – Daycare Director
5. Napoles, Olga – Daycare Instructor

- 6. Peña, Evelyn – Instructor Aide
- 7. Serrano, Rebecca – Instructor Aide

This item was tabled, see motion in 2C.

Chair Ruck advised the Commissioners that the Commission had previously approved these positions to remain contract positions and requested that the policy be given to the Commission at the next meeting.

Commissioner Ellis asked why these contract people didn't receive benefits.

David Almonte said that usually the contract employees had to be working at least 40 hours to be given benefits.

MOTION TO RECONSIDER ITEM 2D MADE BY COMMISSIONER BERUBE, SECONDED BY COMMISSIONER GRAHAM AND PASSED BY A VOTE OF 6 TO 1.

Ayes: Commissioners Peña, Graham, Martinez, Berube, Schwartz, Harris

Nays: Commissioner Ellis

MOTION TO APPROVE ITEM 2D MADE BY COMMISSIONER HARRIS, SECONDED BY COMMISSIONER SCHWARTZ AND PASSED BY A VOTE OF 6 TO 1.

Ayes: Commissioners Peña, Graham, Martinez, Berube, Schwartz, Harris

Nays: Commissioner Ellis

- E. Personal Services Contract with Araceli Salcedo to perform the duties of Victim Services Response Team Case Manager from September 1, 2004 through August 31, 2005, for the Police Department.
- F. Professional Services Contract with Bruce J. Ponder to perform the duties of Hearing Officer for the Civil Service Commission from September 16, 2004 through December 31, 2004, for Human Resources.

### 3. Discussion and Action on Approval of Applications for Outside Employment:

- |                               |                                    |
|-------------------------------|------------------------------------|
| A. Andrade-Carlos-Police      | R. Ortiz-Luis A.-Police            |
| B. Bell-Bion R.-Police        | S. Pacheco-Jose L. Jr.-Police      |
| C. Carson-Ricci J.-Fire       | T. Pacillas-Peter F.-Police        |
| D. Cartwright-Jason L.-Police | U. Peña-Rafael Jr.-Police          |
| E. Concha-Robert-Police       | V. Ponce-Carlos-Police             |
| F. Cooney-Robert T.-Police    | W. Rivera-Henry-Police             |
| G. DiMatteo-Henry J.-Police   | X. Rodriguez-Jesus-Police          |
| H. DiMatteo-Henry J.-Police   | Y. Rodriguez-Jim R.-Police         |
| I. Duenas-Lourdes-Police      | Z. Romero-Daniel-Police            |
| J. Ferrer-Johnny W.-Police    | AA. Roth-Ron-Bldg. Permits & Insp. |
| K. Garcia-Michael-Police      | BB. Russ-Cook-Rhonda M.-Police     |
| L. Gonzalez-Eric-Police       | CC. Salcedo-David-Police           |
| M. Gutierrez-Saul-Police      | DD. Santos-Ricardo-Police          |
| N. Johnson-Dwain L.-Police    | EE. Santos-Ricardo-Police          |
| O. Johnson-Holly Chloe-Police | FF. Soto-Miguel-Street             |
| P. Lopez-Benjamin III-Police  | GG. Stresow-Paul-Mass Transit      |
| Q. Marquez-Lorenzo-Fire       | HH. Vallejo-Mark A.-Police         |

### 4. Notice of Promulgation of Eligible Lists:

- A. Coach Operator (P-1)
- B. Community & Human Development Director (4)
- C. EPWU Wastewater Plant Superintendent (P-6)
- D. Landscape Inspector (P-4)(O-3)

- E. Library Branch Manager (O-2)
- F. Public Services Librarian II (P-1)(O-2)

5. Discussion and Action on Approval of Classification Actions:

NEW JOB CLASS/REVISED JOB CLASS/REVISED JOB CLASS & GRADE; REVISED JOB CLASS, TITLE & GRADE

	<u>TITLE</u>	<u>CODE</u>	<u>GRADE</u>
A.	OFFICIAL: Solid Waste Landfill Attendant	3340	GS 12
	PROPOSED: Landfill Attendant	Same	Same
B.	PROPOSED: Refuse Equipment Operator	3210	GS 15
C.	OFFICIAL: Landfill Equipment Operator	3212	GS 17
	PROPOSED: Refuse Heavy Equipment Operator	Same	Same
D.	OFFICIAL: Refuse Collection Division Supervisor	3354	GS 20
	PROPOSED: Same	Same	Same
E.	OFFICIAL: Refuse Compactor Operator	3211	GS 11
	PROPOSED: Same	Same	Same
F.	PROPOSED: Capital Projects Manager	5227	EX F
G.	OFFICIAL: Assistant City Engineer	5848	EX D
	PROPOSED: Same	Same	EX C

6. Approve placement of incumbents into reclassified positions, in accordance with Rule 4, Section 4 and Rule 11, Section 9 and Personnel Department's recommendation:

TITLE	CODE	GRADE
OFFICIAL: Equipment Operator II	3220	GS 15
PROPOSED: Refuse Equipment Operator	3210	Same
A. Barajas, Marco A.	G. Sifuentes, Manuel G.	
B. De La O, Jose	H. Smith, Jr., Jimmy	
C. Hernandez, Miguel	I. Telles, Roberto	
D. Lonvelin, Jr., Ernesto	J. Weese, Larry B.	
E. Rosales, Hector	K. Yamaguchi, Jesus	
F. Sandiego, Martin	L. Youngblood, Randy A.	
OFFICIAL: Equipment Operator III	3224	GS 17
PROPOSED: Refuse Heavy Equipment Operator	3212	Same
M. Chavarria, Tomas	N. Tarango, Jose L.	
OFFICIAL: Assistant City Engineer	5848	EX D
PROPOSED: Same	Same	EX C
S. Ramirez, Irene D.		

Commissioner Ellis asked why some of the names in Item 6 were removed.

Ms. Bond advised that there were several individuals that were determined to not be qualified under the proposed specification.

Commissioner Ellis asked what would happen to them?

Ms. Bond said that these individuals would be notified that they no longer qualify for the position which they hold and if they are eligible to be laid off they would and then HR would proceed to try to place them in a position for which they qualify.

Manuel Sifuentes stated that he didn't agree with the reclassifications because he won't be able to try to promote, he'll be stuck.

Ellen Smyth, Solid Waste Management Director, said that the reason they were doing these reclassifications was because of the agreement the City signed with the Colonia Association next to the Clint Landfill requiring all employees to have a C certification which requires a high school diploma or 4 years experience. She said they were trying to provide a window of opportunity for those employees to obtain a GED within 6 months. She said these employees would still be able to apply for promotions.

Ms. Bond said that there is a GED class that is available for these employees and they have been notified. She said these employees could retain their jobs if they obtained the GED quickly enough.

Commissioner Peña asked if it was possible to allow these employees to complete their certification within one or two years.

Discussion.

Lisa Turner asked how many years of service the employees who didn't qualify had with the City. She asked if the employees had been told this was going to happen.

Ana Sanchez, Human Resources Analyst, stated that one individual had a little over 2 years and the other had approximately 2 months.

Commissioner Schwartz stated that she had taught GED classes and that the least amount of time needed would be 6 months if they pass the first test, but more often than not it takes a year if they have been out of school for a long time because they need the second session.

MOTION TO APPROVE ITEM 6 MADE BY COMMISSIONER BERUBE, SECONDED BY COMMISSIONER MARTINEZ AND PASSED BY A VOTE OF 6 TO 1.

Ayes: Commissioners Peña, Martinez, Berube, Schwartz, Harris, Ellis

Nays: Commissioners Graham

7. For Notation: Request to have appeal heard by Arbitrator:

- A. Chavez, Daniel – Suspension – Police Dept. (IA04-046)
- B. Fonseca, Adrian – Suspension – Police Dept. (IA04-046)
- C. Gailey, Lisa – Suspension – Police Dept. (IA04-046)
- D. Muniz, Jr., Guilbaldo – Suspension – Police Dept. (IA04-046)

8. Discussion and Action on Assignment of pending appeal cases to Hearing Officer:

Fernandez, David – Termination – Street Dept.

9. Discussion and Action on request to have name placed on Transfer list:

Hernandez, Gloria F. – Accounting Technician – Sun Metro

10. Discussion and Action on Request to have name placed on Reinstatement List:

- A. Aldana, David A. – Police Officer – Police Dept.
- B. Lechuga, Gabriel – Police Officer – Police Dept.
- C. Lopez, Guillermo – Engineering Technician I - EPWU

## 11. Discussion and Action on Approval of Merit increases in accordance with C.S.C. Guidelines:

A.	E.P.W.U.-Ferguson, Patricia A.-Bid Clerk	DDDD.	Mass Tr.-Gallegos, Jesus-Coach Maintenance Supervisor
B.	Fire-Carrillo, Jose R.-Stores Clerk II	EEEE.	Mass Tr.-Garcia, Claudia-Transit Information Clerk
C.	Fire-Chambers, Dorothy-Public Safety Dispatcher Supervisor	FFFF.	Mass Tr.-Garcia, Jose A.-Coach Mech II
D.	Fire-Douglas, Frank L.-Public Safety Dispatcher	GGGG.	Mass Tr.-Garcia, Jose E.-Paratransit Dispatcher
E.	Fire-Gallegos, Senaida-Personnel & Accounting Clerk	HHHH.	Mass Tr.-Gillard, Gerald F.-Coach Oper
F.	Fire-Guerra, Marco-Public Safety Dispatcher	IIII.	Mass Tr.-Gomez, Christina-Information Processor Oper
G.	Fire-Lares, Violeta-Public Safety Dispatcher	JJJJ.	Mass Tr.-Gomez, Jorge P.-Coach Maint Spvr
H.	Fire-Lomas, Estella-Public Safety Dispatcher	KKKK.	Mass Tr.-Granados, Rodrigo-Coach Oper
I.	Fire-Marruffo, Alejandro-Public Safety Senior Dispatcher	LLLL.	Mass Tr.-Guerrero, Sergio-Paratransit Coach Oper
J.	Fire-Mendez, Rosalia-Accounting Clerk	MMMM.	Mass Tr.-Gutierrez, Luis-Paratransit Coach Oper
K.	Fire-Miranda, Jose-Coach Mechanic II	NNNN.	Mass Tr.-Gutierrez, Oscar-Paratransit Coach Oper
L.	Fire-Sanchez, Elena G.-Accounting Clerk	OOOO.	Mass Tr.-Harris, Eddie-Coach Oper
M.	Fire-Sanchez, Luz E.-Secretary I	PPPP.	Mass Tr.-Harris, Eschous-Coach Oper
N.	Fire-Vargas, Rutilo-Stores Clerk II	QQQQ.	Mass Tr.-Harris, Glenn-Coach Oper
O.	Fire-Webster, Toni-Secretary III	RRRR.	Mass Tr.-Hauptman, Guy-Coach Oper
P.	Library-Aguilar, Dane E.-Public Services Librarian II	SSSS.	Mass Tr.-Hernandez, Jaime-Transit Route Spvr
Q.	Library-Beard, Herbert H.-Library Information Specialist I	TTTT.	Mass Tr.-Hernandez, Luis-Coach Mech III
R.	Library-Brown, Ruth-Library Information Specialist I	UUUU.	Mass Tr.-Hernandez, Rafaela-Personnel Records Tech
S.	Library-Douglas, Michael-Library Information Specialist I	VVVV.	Mass Tr.-Herrera, Carlos-Coach Oper
T.	Library-Estrada, Marta-Southwest Librarian	WWWWW.	Mass Tr.-Holiday, Tony-Coach Oper
U.	Library-Eyberg, Ellen C.-Library Branch Manager	XXXX.	Mass Tr.-Hyder, Frank-Safety Spec
V.	Library-Figueroa, William E.-Library Information Specialist I	YYYY.	Mass Tr.-Lara, Oscar-Coach Oper
W.	Library-Flores, Gabriela-Library Information Specialist II	ZZZZ.	Mass Tr.-Lares, Victor-Maint Mech I
X.	Library-Franco, Jacqueline L.-Secretary III	AAAAA.	Mass Tr.-Larsen, Steve-Transit Route Spvr
Y.	Library-Galindo, Jack W.-Marketing Coordinator	BBBBB.	Mass Tr.-Leon, Jenna-Transit Information Clerk
Z.	Library-Gomez, Marisa-Library Information Specialist II	CCCCC.	Mass Tr.-Lira, Saul-Coach Oper
AA.	Library-Grant, Terry-Library Information Specialist II	DDDDD.	Mass Tr.-Lopez, Jose Luis-Paratransit Coach Oper
BB.	Library-Haire, Gail T.-Library Branch Manager	EEEE.	Mass Tr.-Lozano, Raul-Electronics Tech
CC.	Library-Hernandez, Carmen T.-Library Information Supervisor	FFFF.	Mass Tr.-Lozoya, Angelica-Coach Oper
DD.	Library-Hernandez, Irene-Library Assistant	GGGGG.	Mass Tr.-Lujan, Luis-Asst. Super. of Operations
EE.	Library-Hewitt, Maria V.-Library Assistant	HHHHH.	Mass Tr.-Madrigal, Carlos-Coach Oper
FF.	Library-Jimenez, Ivonne R.-Library Ext. Svcs. Administrator	IIIII.	Mass Tr.-Marmolejo, Adolfo-Coach Maint Spvr
GG.	Library-Johnson, Diana G.-Library Information Specialist II	JJJJJ.	Mass Tr.-Marquez, Pedro-Coach Oper
HH.	Library-Koube, Moises H.-Public Services Librarian II	KKKKK.	Mass Tr.-Martin Del Campo, Filiberto-Coach Mech I
II.	Library-Lara, Rogelio Sr.-Library Information Supervisor	LLLLL.	Mass Tr.-Martin, Eva-Transit Information Clerk
JJ.	Library-McPeters, Cynthia A.-Asst. Trans-Pecos Sys. Coord.	MMMMM.	Mass Tr.-Martinez, Alfredo Jr.-Automotive Service Wrkr II
KK.	Library-Orozco, Conrad C.-Library Assistant	NNNNN.	Mass Tr.-Martinez, Antonio-Coach Oper
LL.	Library-Patterson, Elizabeth A.-Library Information Specialist I	OOOOO.	Mass Tr.-McRae, Reginald-Coach Oper
MM.	Library-Przepasniak, James R.-Main Library Administrator	PPPPP.	Mass Tr.-Medina, Eduardo-Coach Mech II
NN.	Library-Puentes, Sara-Library Assistant	QQQQQ.	Mass Tr.-Molina, Heriberto-Coach Oper
OO.	Library-Rayas, Nora A.-Public Services Librarian II	RRRRR.	Mass Tr.-Monteros, Misty-Clerk Typist III
PP.	Library-Roberts, Glenda S.-Library Head Cataloger	SSSSS.	Mass Tr.-Morales, Raymundo-Coach Mech II
QQ.	Library-Salas, Nellie R.-Library Information Specialist II	TTTTT.	Mass Tr.-Morales, Richard-Accountant IV
RR.	Library-Sanchez, Nancy K.-Public Services Librarian	UUUUU.	Mass Tr.-Munoz, Gabriel-Building Maint Spvr
SS.	Library-Vasquez, Eduardo-Library Assistant	VVVVV.	Mass Tr.-Najar, Patricia-Clerk Typist III
TT.	Mass Tr.-Acosta, Joe D.-Transit Safety & Security Coord.	WWWWW.	Mass Tr.-Olivas, Maria D.-Personnel & Accting Clerk
UU.	Mass Tr.-Adcox, Angela-Planner II	XXXXX.	Mass Tr.-Owens, Cedric-Coach Oper
VV.	Mass Tr.-Aguilar, Arturo-Coach Operator	YYYYY.	Mass Tr.-Pando, Fernando-Coach Oper
WW.	Mass Tr.-Alatorre, Yanahalte-Accountant II	ZZZZZ.	Mass Tr.-Parra, Ruth-Secretary III
XX.	Mass Tr.-Almeida, Jesus-Coach Maintenance Spvr	AAAAAA.	Mass Tr.-Pazos, Cesar-Coach Mech III
YY.	Mass Tr.-Alvarado, Gilberto-Coach Mechanic II	BBBBBB.	Mass Tr.-Perez, Jose Luis-Coach Oper
ZZ.	Mass Tr.-Archuleta, Armando-Paratransit Coach Operator	CCCCCC.	Mass Tr.-Perez, Martin-Paratransit Coach Oper
AAA.	Mass Tr.-Arellano, Francisco-Coach Operator	DDDDDD.	Mass Tr.-Pitts, Daniel O.-Transit Stock Controller
BBB.	Mass Tr.-Barnes, Jack-Coach Operator	EEEEEE.	Mass Tr.-Porras, Lorenzo-Coach Oper
CCC.	Mass Tr.-Beltran, Roberto-Coach Operator	FFFFFF.	Mass Tr.-Ramirez-Tobias, Liza-Grants Planner
DDD.	Mass Tr.-Bencome, Aide-Secretary I	GGGGGG.	Mass Tr.-Ramirez, Armando-Coach Oper
EEE.	Mass Tr.-Bridges, Michael-Coach Operator	HHHHHH.	Mass Tr.-Ramirez, Cayetano-Transit Route Spvr
FFF.	Mass Tr.-Cabrera, Armando-Maintenance Mechanic I	IIIII.	Mass Tr.-Ramirez, Benito Jr.-Coach Maint Spvr
GGG.	Mass Tr.-Calderon, Marta-Coach Operator	JJJJJ.	Mass Tr.-Ramirez, Ricardo-Coach Oper
HHH.	Mass Tr.-Castillo, Maria G.-Coach Operator	KKKKK.	Mass Tr.-Renteria, Gonzalo I.-Coach Oper
III.	Mass Tr.-Cervantes, Gloria-Accounting Clerk	LLLLL.	Mass Tr.-Reyes, Josefina-Coach Oper
JJJ.	Mass Tr.-Chavez, Ignacio-Coach Operator	MMMMM.	Mass Tr.-Reyes, Manuel-Coach Oper
KKK.	Mass Tr.-Chavez, Jose E.-Coach Operator	NNNNN.	Mass Tr.-Reyes, Rodolfo-Paratransit Coach Oper
LLL.	Mass Tr.-Chavez, Jose Manuel-Accounting Technician	OOOOO.	Mass Tr.-Rios, Jesus-Paratransit Coach Oper
MMM.	Mass Tr.-Chavez, Julian-Transit Route Supervisor	PPPPP.	Mass Tr.-Rivera, Daniel-Coach Oper
NNN.	Mass Tr.-Chavez, Lorenzo-Transit Route Supervisor	QQQQQ.	Mass Tr.-Rivera, Thomas-Coach Oper
OOO.	Mass Tr.-Clampitt, Brent-Coach Mechanic III	RRRRR.	Mass Tr.-Robledo, Jacobo-Coach Mech I
PPP.	Mass Tr.-Contreras, Jesus-Paratransit Coach Operator	SSSSS.	Mass Tr.-Rodriguez, Arturo-Paratransit Coach Oper
QQQ.	Mass Tr.-Corral, Maria E.-Secretary III	TTTTT.	Mass Tr.-Rodriguez, Elizabeth-Transit Coin Sorter Oper I
RRR.	Mass Tr.-Cortinas, Antonio-Coach Operator	UUUUU.	Mass Tr.-Rodriguez, Venicio-Paratransit Coach Oper
SSS.	Mass Tr.-De La Peña, Mario-Coach Operator	VVVVV.	Mass Tr.-Rojas, Rogelio-Coach Oper
TTT.	Mass Tr.-De Santiago, Ricardo-Paratransit Coach Oper.	WWWWW.	Mass Tr.-Romero, Armando-Coach Oper
UUU.	Mass Tr.-Del Valle, Arthur-Coach Operator	XXXXX.	Mass Tr.-Romero, Ray-Coach Oper
VVV.	Mass Tr.-Dominguez, Mauro-Coach Operator	YYYYY.	Mass Tr.-Rubio, Antonio-Coach Oper
WWW.	Mass Tr.-Dorethy, Todd-Coach Operator	ZZZZZ.	Mass Tr.-Russell, Jesse-Coach Oper
XXX.	Mass Tr.-Escobar, Jose-Coach Operator	AAAAAA.	Mass Tr.-Ruvalcaba, Roberto-Coach Oper
YYY.	Mass Tr.-Esparza, Everett-Transit Planner	BBBBBB.	Mass Tr.-Saenz, Alberto-Paratransit Coach Oper
ZZZ.	Mass Tr.-Evans, Terrance-Transit Communications Disp.	CCCCCC.	Mass Tr.-Santiago, Dionisio-Coach Oper
AAAA.	Mass Tr.-Ferriola, Nicholas-Safety Specialist	DDDDDD.	Mass Tr.-Saucedo, Michael-Coach Oper
BBBB.	Mass Tr.-Fierst, Bonnie-Clerk Typist III	EEEEEE.	Mass Tr.-Scarola, James-Coach Oper
CCCC.	Mass Tr.-Fowler, Jeannine-Clerk Typist II	FFFFFF.	Mass Tr.-Segura, Rafael-Coach Oper

GGGGGGG	Mass Tr.-Servin, Carmen-Paratransit Coach Oper	LLLLLLLLL	Police-Garner, Barbara A.-Police Records Spec III
HHHHHHH	Mass Tr.-Shinaut, Jack-Coach Mech II	MMMMMMMMM	Police-Holguin, Steven Leonard-Department Res Asst
IIIIII	Mass Tr.-Silva, Rodolfo-Coach Oper	NNNNNNNNN	Police-Lau, Michael M. F.-Accounting Clerk
JJJJJJJ	Mass Tr.-Simpson, John H.-Coach Oper	OOOOOOOOO	Police-Melendez, Mariza-Fiscal Support Spvr
KKKKKKK	Mass Tr.-Torres, Damian T.-Coach Maint Spvr	PPPPPPPPP	Police-Mendoza, Araceli-Secretary I
LLLLLLL	Mass Tr.-Torres, Jose Angel-Paratransit Coach Oper	QQQQQQQQQ	Police-Mobley, Ken-Police Training Manager
MMMMMMM	Mass Tr.-Vallejo, Jose-Transit Operations Super	RRRRRRRRR	Police-Montalvo, Ana-Parking Enforc Controller
NNNNNNN	Mass Tr.-Villalobos, Jose-Messenger I	SSSSSSSSS	Police-Nieto, Bertha-Police Training Tech
OOOOOOO	Mass Tr.-Villanueva, Ricardo-Transit Route Spvr	TTTTTTTTT	Police-Olivas, Sylvia P.-Police Records Spec II
PPPPPPP	Mass Tr.-Wilcox, Larry-Coach Oper	UUUUUUUUU	Police-Ortega, Martha Alicia-Police Rec Spec II
QQQQQQQ	Mass Tr.-Williams, Jerome W.-Coach Oper	VVVVVVVVV	Police-Reynolds, James-Station Operations Coord
RRRRRRR	Mass Tr.-Willie, Jose L.-Coach Oper	WWWWWWWWW	Police-Rodriguez, Joe-Department Res Asst
SSSSSSS	Munic Svcs-Cardenas, Alfonso-Maint Mech I	XXXXXXXXX	Police-Salas, Guadalupe F.-Records Spec III
TTTTTTT	Munic Svcs-Cortez, Gabino-Custodial Services Coord	YYYYYYYYY	Police-Tovar-Murillo, Martha B.-Police Rec Unit Spvr
UUUUUUU	Munic Svcs-Cunnington, Andrew-Bldg. Maint Wrkr I	ZZZZZZZZZ	Police-Villa, Belinda C.-Clerk Typist III
VVVVVVV	Munic Svcs-Garcia, Ruben-Bldg. Maint Wrkr I	AAAAAAAAA	Purch-Flores, Carlos-Property Control Officer
WWWWWWW	Munic Svcs-Marquez, Leopoldo-Bldg. Maint Wrkr II	BBBBBBBBB	Purch-Stern, Catherine-Secretary III
XXXXXXX	Munic Svcs-Moreno, Carlos-Electrician	CCCCCCCCC	Purch-Velo, Francisco-Procurement Anyst
YYYYYYY	Munic Svcs-Rivera, Victor-Bldg. Maint Wrkr II	DDDDDDDDD	Purch-Vera, Monica E.-Administrative Anyst
ZZZZZZZ	Parks-Aguilar, Ruben Jr-Irrigation Installer/Repair	EEEEEEEEEE	SWM-Araiza, Andres-Refuse Collection Rte. Frmn
AAAAAAAAA	Parks-Aloysius, Louis F.-Facilities Maint Supt.	FFFFFFFFF	SWM-Diaz, Pedro-Refuse Collection Rte. Frmn
BBBBBBBBB	Parks-Alvarado, Raymndo-Rec Program Spvr	GGGGGGGGG	SWM-Eisert, Debra A. -Clerk III
CCCCCCCCC	Parks-Apodaca, Carlos-Rec Services Coord	HHHHHHHHH	SWM-Hernandez, Pablo s.-Refuse Coll Rte. Frmn
DDDDDDDDD	Parks-Armendariz, Ramon-Grounds Keeper	IIIIIIII	SWM-Lerma, Ernesto-Sanitation Wrkr
EEEEEEEEEE	Parks-Astorga, Ruben J.-Grounds Keeper	JJJJJJJJJ	SWM-Madrid, Rodolfo-Stores Clerk II
FFFFFFFFF	Parks-Baltierra, Gustavo-Equipment Oper II	KKKKKKKKK	SWM-Martinez, Emilio-Refuse Collection Rte. Frmn
GGGGGGGGG	Parks-Cano, Jose A.-Trades Helper	LLLLLLLLL	SWM-Ortega, Mario-Refuse Coll. Division Spvr
HHHHHHHHH	Parks-Cantu, Ernesto H.-Irrigation Repairman	MMMMMMMMM	SWM-Ortiz, Javier-Automated Refuse Coll. Oper
IIIIII	Parks-Davis, Margaret-Recreation Services Coord	NNNNNNNNN	SWM-Portillo, Eleuterio-Automated Refuse Coll. Oper
JJJJJJJ	Parks-De La Rosa, Jose Antonio-Engin Tech	OOOOOOOOO	SWM-Ramirez, Juan G.-Refuse Coll. Asst. Rte. Frmn
KKKKKKK	Parks-Flores, Angel-Grounds Keeper	PPPPPPPPP	SWM-Recorder, Gary-Refuse Collection Rte. Frmn
LLLLLLL	Parks-Flores, George-Park Area Spvr	QQQQQQQQQ	SWM-Romo, Lorenzo-Landfill Equipment Oper
MMMMMMM	Parks-Fuller, Karen-Aquatics Super.	RRRRRRRRR	SWM-Salgado, Alejandro-Auto Refuse Coll Oper
NNNNNNN	Parks-Garcia, Rodolfo A.-Building Maint Wrkr II	SSSSSSSSS	SWM-Settle, Barbara-Communications Dispatcher I
OOOOOOO	Parks-Gardon, Rafael-Recreation Center Coord	TTTTTTTTT	Street-Calderon, Ricardo-Equipment Oper III
PPPPPPP	Parks-Guerrero, Mario L.-Electrician	UUUUUUUUU	Street-De Haro, Arturo-Maint Mech II
QQQQQQQ	Parks-Guevara, Carlos-Sprinkler Installer	VVVVVVVVV	Street-Fernandez, David-Equipment Oper I
RRRRRRR	Parks-Hernandez, Angelina-Recreation Leader II	WWWWWWWWW	Street-Fonseca, Rodolfo-Equipment Oper III
SSSSSSS	Parks-Luna, Francisco-Park Area Spvr	XXXXXXXXX	Street-Manquero, Suzanne-Toll Collector
TTTTTTT	Parks-Marrufo, Richard-Maint Mech II	YYYYYYYYY	Street-Minefee, David-Labor Frmn I
UUUUUUU	Parks-Meza, Ysidoro-Labor Frmn I	ZZZZZZZZZ	Street-Morales, Frank X.-Equipment Oper II
VVVVVVV	Parks-Munoz, Jose G.-Trades Helper	AAAAAAAAA	Street-Nunez, Heriberto-Administrative Asst
WWWWWWW	Parks-Olivas, Manuel Jr.-Welder	BBBBBBBBB	Street-Ortiz, Flaviano III-Laborer
XXXXXXX	Parks-Ramos, Sergio-Equipment Oper II	CCCCCCCCC	Street-Pardo, Hector-Maint Mech I
YYYYYYY	Parks-Salazar, Ramon-Grounds Keeper	DDDDDDDDD	Street-Pucel, Gerald-Asst Streets Director
ZZZZZZZ	Parks-Sanchez, Osvaldo V.-Groundskeep Equip. Mech	EEEEEEEEEE	Street-Soto, Miguel-Equipment Oper II
AAAAAAAAA	Parks-Terrazas, Alicia-Clerk Typist II	FFFFFFFFF	Street-Tarango, Julian-Traffic Signs & Mrkngs Div. Supr.
BBBBBBBBB	Parks-Torres, Olga L.-Labor Frmn I	GGGGGGGGG	Street-Villa, Jose-Traffic Signs & Mrkngs. Wrkr I
CCCCCCCCC	Parks-Venegas, Jose Luis-Labor Frmn I	HHHHHHHHH	Street-Zuniga, Luis-Equipment Oper I
DDDDDDDDD	Parks-Venzor, Paul A.-Labor Frmn I	IIIIIIII	Street-Zuniga, Severiano-Toll Collector
EEEEEEEEEE	Parks-Vicencio, Ladislao-Recreation Services Spvr	JJJJJJJJJ	Zoo-Barnes, Doug-Regional Recreation Supt.
FFFFFFFFF	Parks-William, Day-Regional Recreation Supt.	KKKKKKKKK	Zoo-LoBello, Ricky-Education Curator
GGGGGGGGG	Police-Chavez, Graciela F.-Police Records Spec II	LLLLLLLLL	Zoo-Nelson, Delillah-Forest Complex Spvr
HHHHHHHHH	Police-Concepcion, Bertha Alicia-Police Records Spec	MMMMMMMMM	Zoo-Saunders, Laura-Zoo Keeper
IIIIII	Police-Daniels, Leila M.-Police Records Spvr	NNNNNNNNN	Engineering-Ramirez, Irene D.-Asst City Engineer
JJJJJJJ	Police-Delgado, Elena-Police Records Spec III		
KKKKKKK	Police-Enriquez, Eva-Public Safety Communicator		

## 12. Discussion and Action on Request for Temporary Promotion:

- A. Medina, Gabriela – Municipal Court (Extension)  
 From: Cashier II  
 To: Deputy Court Clerk II
- B. Pantoja, Richard – Police Dept.  
 From: Police Lieutenant  
 To: Police Captain

## REGULAR AGENDA

*Items 2A, 2C, 2D and 6 were considered at the beginning of the Regular Agenda.*

## 13. Discussion and Action regarding pending City layoffs (Tabled 07/08/04; 07/22/04; 08/12/04).

Commissioner Ellis asked if we were aware of which positions were tentatively targeted for abolishment and if we knew where these employees would be winding up.

Ms. Bond said they have identified positions that would be logical positions for these employees to go to.

14. Discussion and Action on the postponement of the reclassification of Ray Mendoza to Toll Collection Manager, and the approval of a merit increase as requested by the department.

Daryl Cole, Street Department Director, said he didn't realize that Mr. Mendoza's reclassification would prevent him from receiving his merit and competency increases and therefore requested that the Commission rescind that action until he receives these increases

Discussion.

Deputy City Attorney Lupe Cuellar believed the item wasn't posted correctly for the actions needed by the Commission and suggested the item be posted correctly on the next agenda.

MOTION TO DELETE ITEM 14 MADE BY COMMISSIONER ELLIS, SECONDED BY COMMISSIONER MARTINEZ AND UNANIMOUSLY PASSED.

15. Discussion and Action on Rule 14.7 – Efficiency Ratings – Appeals (Tabled 08/12/04).

Chair Ruck read an email from Councilman Cushing's secretary reference setting a joint meeting next week. He also requested the Commission get a copy of all versions of the proposals that have been given to the Commission.

MOTION TO TABLE ITEM 15 MADE BY COMMISSIONER BERUBE, SECONDED BY COMMISSIONER SCHWARTZ AND PASSED BY A VOTE OF 6 TO 1.

Ayes: Commissioners Peña, Graham, Martinez, Berube, Schwartz, Harris

Nays: Commissioner Ellis

16. Discussion and Action on collaboration between Human Resources and Information Technology to make Civil Service Commission agenda and backup available through the City's website.

The Commission reviewed a memorandum given to them by the IT Director reference receiving training.

MOTION TO TABLE ITEM 16 MADE BY COMMISSIONER PEÑA, SECONDED BY COMMISSIONER BERUBE AND UNANIMOUSLY PASSED.

17. Miscellaneous Appeal filed by Gilbert Juarez reference the Fire Captain examination.

Lt. Juarez was present and asked the Commission if they had received the documentation he presented to them, which they had. He briefly reviewed his concerns outlined in his memorandum.

Lt. David Rios commented that the question wasn't specific and that was the reason it was double-keyed.

Captain John Davis stated that both answers were in the articles of agreement, therefore they decided to re-key this question. He stated that the protest committee tries to be as fair as possible and the protest committee doesn't know how many employees got right or wrong answers.

Discussion.

MOTION TO OVERTURN THE PROTEST COMMITTEE'S DECISION AND APPROVE ITEM 17 MADE BY COMMISSIONER ELLIS, SECONDED BY COMMISSIONER BERUBE AND UNANIMOUSLY PASSED.

Deputy City Attorney Lupe Cuellar wanted to make sure of the decision. The item will not be double-keyed and Item 4 is the correct answer.



18. Miscellaneous Appeals filed reference the Fire Lieutenant examination:

- A. Armendariz, Sergio
- B. Cervantes, J. J.
- C. Chavez, Jr., Pedro A.
- D. Diaz, Roberto Jr.
- E. Inman, Aaron
- F. Mackell, Jeffrey
- G. Medrano, Daniel
- H. Mott, Paul
- I. Thomas, Matthew
- J. Venegas, Edmundo, Jr.
- K. Zeh, Fernando Jr.

Chair Ruck read the specifics of the disqualifications listed in Items 18A through 18K and the appellants spoke individually and briefly reviewed the documentation they had presented to the Commission. Captain John Davis also gave the Commission input on behalf of the protest committee.

MOTION TO UPHOLD THE PROTEST COMMITTEE'S DECISION ON QUESTION #23 AND DENY THE APPEALS ON QUESTION #23 MADE BY COMMISSIONER ELLIS, SECONDED BY COMMISSIONER PEÑA AND UNANIMOUSLY PASSED.

MOTION TO UPHOLD THE PROTEST COMMITTEE'S DECISION ON QUESTION #29 AND DENY THE APPEALS ON QUESTION #29 MADE BY COMMISSIONER ELLIS, SECONDED BY COMMISSIONER MARTINEZ AND UNANIMOUSLY PASSED.

MOTION TO UPHOLD THE PROTEST COMMITTEE'S DECISION ON QUESTION #90 AND DENY THE APPEALS ON QUESTION #90 MADE BY COMMISSIONER MARTINEZ, SECONDED BY COMMISSIONER BERUBE AND UNANIMOUSLY PASSED.

MOTION TO UPHOLD THE PROTEST COMMITTEE'S DECISION ON QUESTION #42 AND DENY THE APPEALS ON QUESTION #42 MADE BY COMMISSIONER ELLIS, SECONDED BY COMMISSIONER BERUBE AND UNANIMOUSLY PASSED.

MOTION TO UPHOLD THE PROTEST COMMITTEE'S DECISION ON QUESTION #56 AND DENY THE APPEALS ON QUESTION #56 MADE BY COMMISSIONER ELLIS, SECONDED BY COMMISSIONER HARRIS AND UNANIMOUSLY PASSED.

MOTION TO UPHOLD THE PROTEST COMMITTEE'S DECISION ON QUESTION #60 AND DENY THE APPEALS ON QUESTION #60 MADE BY COMMISSIONER ELLIS, SECONDED BY COMMISSIONER HARRIS AND UNANIMOUSLY PASSED.

MOTION TO UPHOLD THE PROTEST COMMITTEE'S DECISION ON QUESTION #79 AND DENY THE APPEALS ON QUESTION #79 MADE BY COMMISSIONER ELLIS, SECONDED BY COMMISSIONER MARTINEZ AND UNANIMOUSLY PASSED.

MOTION TO UPHOLD THE PROTEST COMMITTEE'S DECISION ON QUESTION #117 AND DENY THE APPEALS ON QUESTION #117 MADE BY COMMISSIONER ELLIS, SECONDED BY COMMISSIONER MARTINEZ AND UNANIMOUSLY PASSED.

Commissioner Martinez suggested to the Fire Department that they update their manuals and materials in order to avoid some of these problems.

MOTION TO ADJOURN TO EXECUTIVE SESSION MADE BY COMMISSIONER ELLIS, SECONDED BY COMMISSIONER HARRIS AND UNANIMOUSLY PASSED.

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The Commission retired into Executive Session at 9:08 p.m. to discuss Item 19, and reconvened for Open Session at 9:22 p.m.

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MOTION TO ADJOURN EXECUTIVE SESSION AND RETURN TO REGULAR SESSION MADE BY COMMISSIONER ELLIS, SECONDED BY COMMISSIONER HARRIS AND UNANIMOUSLY PASSED.

19. Discussion and Action on Appeal of Disqualification to take Examination and/or Removal of Name from Eligible List in accordance with C.S.C. Rules and Regulations:

Lopez, Ricardo C. – Maintenance Mechanic (8.1.d.4.)

Mr. Lopez was present. The matter was discussed in Executive Session. The following action was taken in Open Session.

MOTION TO APPROVE ITEM 19 MADE BY COMMISSIONER ELLIS, SECONDED BY COMMISSIONER Peña AND UNANIMOUSLY PASSED.

20. Discussion and Action on changes to ordinances 8064 and 8065 required by the charter election held in February 2004 that changed the City from a strong Mayor form of government to a City Council-Manager form of government.

MOTION TO ADDRESS ITEM 20 BEFORE ITEM 19 MADE BY COMMISSIONER PEÑA , SECONDED BY COMMISSIONER BERUBE AND UNANIMOUSLY PASSED.

*This item was addressed before Item 19.*

MOTION TO RECONSIDER THE CHANGES TO ORDINANCES 8064 AND 8065 MADE BY COMMISSIONER PEÑA, SECONDED BY COMMISSIONER MARTINEZ AND UNANIMOUSLY PASSED.

Commissioner Peña wanted to review the changes previously made because there might have been substantive changes.

Chair Ruck said that he has viewed the video streaming and it is great because they can view it and see and hear exactly what was said. He told Commissioner Peña that he was correct in that the Commission was told that the changes were just from a Mayor form of government to a City Manager form of government. He said there were sentences deleted and other deletions that may be substantive changes. He said the problem was that the Commission wasn't always getting strikethrough versions of the changes in order for the Commission to know the exact changes, what was deleted and what was added, this way the old and the new language will be on the document. He requested that the Commission be provided with a strikethrough version of all changes given to them on all documentation from now on. He said if the Commission had received a strikethrough version of these changes at the last meeting, then they wouldn't be having this problem today. He said he was at the City Council meeting when he heard the City Clerk read revisions that he was not aware of. When he and Ms. Cuellar had dialogue she advised him that Commissioner Ellis had approved the revisions. He said that he hasn't appointed anybody to make revisions after the Commission has voted and said he had talked to Commissioner Ellis about this issue and he had a perfectly plausible answer.

Commissioner Ellis said it wasn't a question of it happening again because it didn't happen in the first place. He said that on multiple occasions he has met with Deputy City Attorney Lupe Cuellar just to review the documentation and ensure that all changes that needed to be made were made and that the language was as good as it could be. He said this practice was perfectly proper and in his judgment was wise and invited all Commissioners to join them in this gratuitous effort to ensure correctness.

Chair Ruck said he wasn't opposed to a Commissioner meeting with Ms. Cuellar to review changes. He said he was opposed to new changes being made and sent to City Council before being brought back to the Commission. He mentioned that when the Commission first got the changes to Ordinance 8064, the changes to 1.2 Appointing Authority were "reserved" and that was what the Commission approved. The

next revision showed language inserted back into the section. Now, there is new language in this same section. He mentioned that the Charter is not up-to-date on the substitution of "Mayor" to "City Manager."

Deputy City Attorney Lupe Cuellar clarified that after the Civil Service Commission approves something to be sent to City Council, she can send it to City Council with revisions provided that City Council is aware that the revisions were made to what was approved by the Civil Service Commission.

Chair Ruck said that the Commission approved the language "reserved" on Section 1.2. and what was provided to City Council was different. He said that even though you can infer it, nowhere in the Charter does it say that the City Manager and Council are the appointing authority.

Deputy City Attorney Lupe Cuellar said that all the duties, responsibilities and power that the Mayor had are now vested in the City Manager.

Chair Ruck wondered where in the new Charter it said that the City Manager and Council was the appointing authority?

Ms. Bond advised that on page 15, Section 6.3d says "The appointment of classified and unclassified Department Heads excluding the City Attorney will be made by the City Manager subject to confirmation by a majority of the Council."

Chair Ruck asked who appoints classified services.

Deputy City Attorney Lupe Cuellar said the Mayor only appoints Department Heads, the Department Head appoint their own classified employees.

Chair Ruck then asked if an error was made when Section 1.2 was left with "reserved."

Ms. Bond said that these changes were reviewed and discussed by Ms. Cuellar, Elaine Hengen who actually worked with the Charter and the charter election, and herself (Ms. Bond). The reason Ms. Hengen recommended "reserved" was because she believed there was conflicting information in the Charter.

Discussion.

MOTION THAT RECOMMENDATION BE MADE THAT CITY COUNCIL REPEAL SECTION 1.2 FROM ORDINANCE 8064 MADE BY COMMISSIONER ELLIS, SECONDED BY COMMISSIONER HARRIS AND UNANIMOUSLY PASSED.

Chair Ruck said he wanted to find out what the rationale was for deleting the entire Section 12.6.d of Rule 1 in Ordinance 8065? He said the confusion for Councilman Cushing was because there was no section "d" which read, "At all hearings and charges against a Commissioner, the Mayor, if he or she is qualified to sit in the hearing is entitled to vote thereon as other members of the council."

Deputy City Attorney Lupe Cuellar said that per the Charter, the Mayor is only entitled to vote in cases of a tie.

Commissioner Ellis referred to Rule 23 and said the language in the rule which read "appointed by the City Manager must reside within the City limits of El Paso." He said they concluded that the language should be deleted because it doesn't matter who appoints the Department Heads, the thrust is that they must reside within the City limits of El Paso.

Deputy City Attorney Lupe Cuellar believed the discussions concluded that they should add "and Council" after City Manager.

Lisa Turner said that from everything that had happened so far with the city government, the Mayor was no longer in an executive position, he was now a member of the legislative branch of the El Paso government, therefore, he had the right to vote but didn't have the right to veto. She asked if this had changed now and if the Mayor was not allowed to vote on anything?

Chair Ruck said that the Charter allows the Mayor to vote in the case of a tie when a CSC Commissioner is being removed.

21. Discussion and Action on my employment status as a result of an involuntary transfer from District 5 Office to Purchasing Dept., which has been imposed upon me. I have been placed in an Accounting Technician position, for which I am not qualified nor does it meet my background experience, submitted by Terry Villanueva.

Chair Ruck said he had a request from Councilman Cushing to postpone this item for 2 weeks.

Ms. Villanueva said she didn't want this item postponed and made the following statement. "I am contesting an involuntary transfer because I have been placed in a position which I feel I don't qualify for nor is it in my employment background, that of an Accounting Technician. I can't help but think that I am being set up for failure. Or is the intent of this administration to replace city employees on the 10<sup>th</sup> floor with contract employees, as I was made aware that my position is being deleted. I compare City Representative offices to any other city department. If a dept. head is no longer available for whatever reason, is the department shut down & employee(s) transferred? Not likely. I have been an employee in the department for 17 years, having served under Jethro Hills, Arves Jones, Joe Pickett, Dusty Rhodes, Presi Ortega & most recently Dan Power. At any time that the Representatives were out of the office the department ran business as usual. I know the district and have been dealing with the constituents for a while now. If I had been allowed to stay in my position I would have gladly offered to help anyone who needed extra assistance. I feel I was transferred because of retaliation, as there was no valid excuse given for this action. An argument could be made that I have A JOB; this statement would be appropriate for anyone who has been in the organization for 1 or 2 years. You can take the reassignment and if you don't like it you quit and request a refund of any contributions you have made into the pension fund. I on the other hand have been a city employee for over 20 years; therefore this transfer does have an impact upon me. What alternative recourse do I have in this respect? I have been transferred to a grade 19 and my position is a grade 23, therefore there obviously will be a pay difference. This puts me at a disadvantage because I will be at the maximum level for the grade 19 or is my pay being cut? This is also not fair to the current accounting technician who is training me and at the lower pay. A statement was made that since there was no Representative in the office, I would not be earning my pay that was grossly overstated as being \$40,000.00. They made an assumption after taking my calls for 8 hours. Had it ever occurred to anyone that perhaps constituents were dialing directly to the Mayor's office? There are always some days busier than others as it is anywhere. I noticed on today's Civil Service agenda there is a transfer request for an accounting technician from Sun Metro. This is the proper procedure to follow as opposed to transferring an employee who has not made the initial request. Therefore, my transfer may place this particular employee at a disadvantage because this vacant position is no longer available. Thank you for your attention and this concludes my remarks."

Chair Ruck asked if she had been in this position while the Representative's position was vacant.

Ms. Villanueva said when the representative was out on vacation, etc. She said the only time she could think of was when Representative Nacho Padilla resigned, the office wasn't shut down and the secretary wasn't transferred out.

Ms. Bond said that this was a temporary placement in a position and department that needed some assistance. Once it is determined what will happen with the position in the district, then a permanent placement will be found.

Chair Ruck asked if she would be the prime candidate for the job once the new representative is in place. Also, are there Administrative Assistants elsewhere in the City, other than the 10<sup>th</sup> floor?

Ms. Bond said that at that point it would depend on what has happened to her position. There are Administrative Assistants in other departments of the City, she estimated a total of ten. If the Administrative Assistant position in District 5 is deleted, then Ms. Villanueva would have to be placed elsewhere.

Commissioner Ellis asked if Ms. Cortinas had received his invitation to this meeting.

Ms. Bond responded that she had and had contacted her to tell her that she could not attend the meeting

because she had a prior commitment and believed Mr. Martinez would be present. Mr. Martinez also contacted Ms. Bond and told her he also had a prior commitment and could not attend but if the Commission needed to speak to him, asked to please postpone the item.

Commissioner Ellis said he believed there were certain circumstances where management could transfer an employee involuntarily appropriately. He told Ms. Villanueva that if she believed this transfer had violated her rights and she had a basis by which she could show that, under Section 6.13-4 in the Charter she could appeal to the Commission any order which is believed to violate the rights granted her under the Charter. He stated that this Commission had inherent authority through its charge as set out in its mission in Section 6.1-1 and 6.1-5 to supervise the Civil Service provisions of the Charter and ensure fair and equitable treatment of all classified employees. He said through the grievance procedure she could bring to the Commission the circumstances of that order whereby her transfer was effective. He stated that the problem that he had with the order was on #8 of the Staffing Table Change Request which read as a statement of need "This position existed to assist Representative Dan Power in running his district. Effective with his resignation the position is no longer needed." He said it seemed to him that the reverse was quite possible. If the Representatives need these assistants to represent them in an institutional sense to represent their district, then these assistants over time are going to accumulate specific knowledge about the needs, problems and issues of that district. The representative disadvantaged the constituents in his office enough by resigning, without the only other person who knows the issues being booted out as well. He said that this reasoning makes suspect in his mind the accuracy with which it is stated. He said he wasn't prejudging but just didn't make sense to his way of thinking.

Commissioner Peña asked Ms. Villanueva how she felt she had been wronged.

Ms. Villanueva stated that if she applied for the position which she was placed in the chances are that she would not qualify.

Commissioner Berube said this was only temporary.

Ms. Villanueva said she had asked the Department Head in the department she had been placed if this was temporary and he didn't know, it was a mystery to him as well.

Ms. Bond said that was not correct, she had talked to Mr. Johnson and he was well aware that this was a temporary placement.

Commissioner Peña asked Ms. Villanueva if it wasn't a little premature to take action.

Ms. Villanueva said that from what she had seen, if she waits until its too late it would be too late because this administration seems to do everything pretty sneaky.

Commissioner Martinez said it was important to recognize that this representative was gone and the Mayor's office was taking care of the phone calls coming in to that district. He recommended to Ms. Villanueva that she view this as a challenge and a learning process and let the 30 days go by.

Ms. Turner said Ms. Villanueva has worked in this district for 14 years. Common sense says that she should stay in that position and follows up on the issues that come up for that district. The closest thing that the constituents for that district have right now is Ms. Villanueva. Ms. Villanueva was also transferred before Mr. Power's resignation was official. Ms. Turner said that she often is approached by city employees who tell her how they feel like they're under a cloud, how they don't know if they'll have a job tomorrow. She said there is something rotten going on here and the Commission should investigate it because it is their responsibility to protect these employees and to make sure they have a good working environment.

Chair Ruck asked what authority the Commission had to place Ms. Villanueva back in her position.

Deputy City Attorney Lupe Cuellar said they didn't have that authority. As Commissioner Ellis suggested, she could go through the grievance process.

MOTION TO DELETE ITEM 21 MADE BY COMMISSIONER ELLIS, SECONDED BY COMMISSIONER HARRIS AND UNANIMOUSLY PASSED.

22. Discussion and Action on Certification of Police Trainee Eligible List before appeals are heard and decided by Civil Service Commission.

MOTION TO APPROVE ITEM 22 MADE BY COMMISSIONER BERUBE, SECONDED BY COMMISSIONER MARTINEZ AND UNANIMOUSLY PASSED.

23. Discussion and Action on Approval of Hearing Officer's Statement:

Ponder, Bruce J. – Dated 08/20/04 – July 2004

MOTION TO APPROVE ITEM 23 MADE BY COMMISSIONER BERUBE, SECONDED BY COMMISSIONER MARTINEZ AND UNANIMOUSLY PASSED.

24. Appeal of Performance Evaluation of:

Bond, Terry A. – Human Resources Director – Human Resources

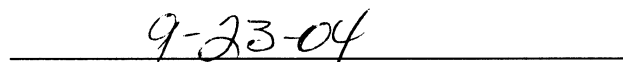
Chair Ruck assigned a committee consisting of Commissioners Peña, Martinez and himself (Chair Ruck) to hear Ms. Bond's appeal of her performance evaluation for the period ending 01/03/04.

THERE BEING NO FURTHER BUSINESS BEFORE THE COMMISSION, A MOTION TO ADJOURN WAS MADE BY COMMISSIONER ELLIS, SECONDED BY COMMISSIONER HARRIS AND UNANIMOUSLY PASSED.

THE MEETING ADJOURNED AT 10:00 P.M.

  
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LANCE RUCK, C.S.C. CHAIR

  
\_\_\_\_\_  
TERRY BOND, C.S.C. SECRETARY

  
\_\_\_\_\_  
DATE APPROVED